
SAN FRANCISCO DISTRICT

PUBLIC NOTICE

Regulatory Branch
333 Market Street
San Francisco, CA 94105-2197

NUMBER: 29466N DATE: June 23, 2005
RESPONSE REQUIRED BY: August 23, 2005

PERMIT MANAGER: Elizabeth Dyer PHONE: 415-977-8451 Email: Elizabeth.Dyer@spd02.usace.army.mil

1. INTRODUCTION: Mr. Robert L. Bean of the Island Club #501, located on Grizzly Island at 3372 Gum Tree Road Suisun City, California 94585, has applied for a U.S. Army, Corps of Engineers (Corps) permit to work in navigable waters of the United States. The purpose of this permit is to dredge material from a dredger cut channel located along the southern part of the Club's property and adjacent to Grizzly Bay for placement on the crown of two sections of levees. The integrity of the levees was affected by high tides and wave action during the winter of 2005. This application is being processed pursuant to the provisions of Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 403). Section 10 regulates all work and or structures in or affecting the course, conditions, location, or capacity of navigable waters of the United States.

2. PROPOSED PROJECT:

Project Site: Island Club #501 is approximately 635 acres of managed wetlands located on Grizzly Island within the Suisun Marsh (Figure 1 and 2). Several waterfowl/duck clubs owned by private entities and the California Department Fish and Game (DFG) are dependent on the integrity of Island Club #501 levees. The Roaring River Distribution System, a water control facility administered by the California Department of Water Resources (DWR) and the Bureau of Reclamation (BOR) is also located on Grizzly Island. Several private oil company holdings are also located on Grizzly Island.

The proposed project site is located in a tidally

influenced dredger cut channel located adjacent to Island Club #501 southern exterior levees where material will be excavated and placed on the crown of the levees. The dredger cut channel is the result of previous dredging from construction and maintenance of the external levee. Historically this channel was isolated from Grizzly Bay within the vicinity of the project area allowing access by tidal waters and the biological community of Grizzly Bay. According to the applicant, the dredger cut channel is approximately 8 feet deep at mean higher high water.

Wetland vegetation on the waterside of the levees is predominantly bulrush, *Scirpus acutus* var. *occidentalis*, and tule, *Scirpus acutus*. The dredger cut channel is exposed to tides and devoid of vegetation. The wetland vegetation on the landward side of the levee slope includes brass buttons, *Cotula coronopifolia*, and rabbits foot grass, *Polypogon monspeliensis*. Vegetation on the landward slope and on the crown of the levees included: coyote brush, *Baccharis pilularis consanguinea*, wild radish, *Raphanus sativus*, and fennel, *Foeniculum vulgare*.

Project Description: As shown in the attached drawings (Figure 3 and 4), the applicant proposes to restore and raise the crown of the levee by dredging 1,400 cubic yards of material from the adjacent dredger cut channel and placing it on the crown of the levees in two sections. The applicant proposes to conduct the work between August 1 and September 30. The repair steps are as follows:

1. Conduct pond bottom grading to push up material washed away from the overtopping to fill in the voids and restore the back slope of the damaged exterior levee. This effort will be undertaken pursuant to the March 18, 2005 Department of the Army Regional General Permit #3 authorization of Club #501 for 4,000 cubic yards of material taken from the clubs interior.
2. Use an excavator operating off the damaged levee to extract material from the center of the dredger-cut channel/slough and place it on the crown of the levee raising the levee by 24 inches along a 1,000-foot section and on average by 18 inches along a 750-foot section. The applicant proposes to dredge approximately 24 inches of material throughout the length of the center of the channel next to the levee.
3. Following the placement of the dredged material, 1,750 lineal feet of a synthetic material (marifi) will be anchored atop the levee.

Purpose and Need: The overall purpose of this project is to restore the levees along two sections from future high tide events and from wind erosion which could damage inland state and federal water control facilities, private oil company holdings as well as incur thousands of dollars of damage to private duck club owners.

The need for the project is due to high tides and waves erosion during January 7 through 10, 2005, the levees sustained overtopping near the South and East Ponds and a significant amount of crown and back slope erosion. In total, the overtopping covered approximately 1000 linear feet of levee. In several locations, the normal twelve (12) foot wide levee crown was eroded to four to five (4-5) feet wide creating the potential for a serious breach of the

levee. In addition, several areas where rodents created holes were enlarged by the rushing waters further threatening the integrity of the clubs levee system.

Impacts: The proposed project would deepen the existing dredge cut channel by no more than 2 feet and is not expected to modify the function of the channel. Dredging of 1,400 cubic yards of material will result in increased turbidity, but the increases will be temporary.

Mitigation: No mitigation has been proposed at this time for the impacts to the dredger cut channel due to the excavation of sediment. The applicant will be repairing the landside of the levee using maintenance activities stipulated in the Department of the Army Regional General Permit #3. Wetland mitigation for approximately 0.48 acre of Section 404 wetland located on the landside of the levee has been addressed through the Regional General Permit #3.

3. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

National Environmental Policy Act of 1969 (NEPA): The Corps will assess the environmental impacts of the proposed action in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. Section 4371 et. seq.), the Council on Environmental Quality's Regulations (40 C.F.R. Parts 1500-1508), and the Corps' Regulations (33 C.F.R. Part 230 and Part 325, Appendix B). Unless otherwise stated, the Environmental Assessment will describe only the impacts (**direct, indirect, and cumulative**) resulting from activities within the Corps' jurisdiction. The documents used in the preparation of the Environmental Assessment will be on file with the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197.

Endangered Species Act of 1973 (ESA): Section 7 of the Endangered Species Act requires formal consultation with the U.S. Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service (NMFS) if a Corps permitted project may adversely affect any Federally listed threatened or endangered species or its designated critical habitat.

The Corps has initiated consultation with the U.S. Fish and Wildlife Service (FWS) concerning the federally listed species including; threatened delta smelt, *Hypomesus transpacificus*, federally listed endangered salt marsh harvest mouse *Reithrodontomys raviventris*, and federally listed endangered California clapper rail, *Rallus longirostris obsoletus*.

The Corps has initiated consultation with National Marine Fisheries Service (NMFS) for the federally-listed threatened Central California Coast steelhead, *Oncorhynchus mykiss*, threatened California coho salmon, *Oncorhynchus kisutch*, designated critical habitat for Central California coho salmon.

The salmonides listed above use Grizzly Bay primarily as a migration corridor en route to the Pacific Ocean to rear as juveniles or to upstream areas to spawn as adults. This migration generally takes place in the winter and spring months.

Magnuson-Stevens Fisheries Conservation and Management Act: The project is located within an area identified as Essential Fish Habitat (EFH) for various life stages of fish species managed by the following Fishery Management Plans (FMP) under the Magnuson-Stevens Fisheries Conservation and Management Act: Pacific Groundfish FMP (starry flounder), Coastal Pelagics FMP (northern anchovy) and Pacific Coast Salmon FMP (Chinook salmon) Specific EFH concerns associated with this proposal include restricting the channel excavation work to low tide and incoming tides so as to confine any turbidity to the innermost part of the channel.

Coordination with the NMFS in regard to EFH was initiated concurrently with the ESA consultation.

Clean Water Act of 1972 (CWA):

a. Water Quality: Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must first obtain a State water quality certification before a Corps permit may be issued. The applicant has provided the Corps with evidence that he has submitted a valid request for State water quality certification to the San Francisco Regional Water Quality Control Board. No Corps permit will be granted until the applicant obtains the required water quality certification. The Corps may assume a waiver of water quality certification if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issue that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612 by the close of the comment period of this Public Notice.

b. Alternatives: Evaluation of this proposed activity's impact includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. Section 1344(b)). An evaluation has been made by this office under the guidelines and it was determined that the proposed project is water dependent.

Coastal Zone Management Act of 1972 (CZMA): Section 307 of the Coastal Zone Management Act requires the applicant to certify that the proposed project is consistent with the State's Coastal Zone Management Program, if applicable. No Corps

permit will be issued until the State has concurred with the applicant's certification. Coastal development issues should be directed to the San Francisco Bay Conservation and Development Commission (BCDC), 50 California Street, Suite 2600, San Francisco, California 94111.

National Historic Preservation Act of 1966 (NHPA): A review of survey data with various City, State and Federal agencies has not occurred. If unrecorded resources are discovered during construction of the project, operations will be suspended until the Corps completes consultation with the State Historic Preservation Office (SHPO) in accordance with Section 106 of the National Historic Preservation Act.

4. PUBLIC INTEREST EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among those factors are: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

5. CONSIDERATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to

consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest in the proposed activity.

6. SUBMISSION OF COMMENTS: Interested parties may submit, in writing, any comments concerning this activity. Comments should include the applicant's name and the number and the date of this Public Notice, and should be forwarded so as to reach this office within the comment period specified on Page 1. Comments should be sent to the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197. It is the Corps' policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Public Notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose name and address are indicated in the first paragraph of this Public Notice or by contacting Elizabeth Dyer of our office at telephone 415-977-8451 or E-mail: Elizabeth.Dyer@spd02.usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided upon request.

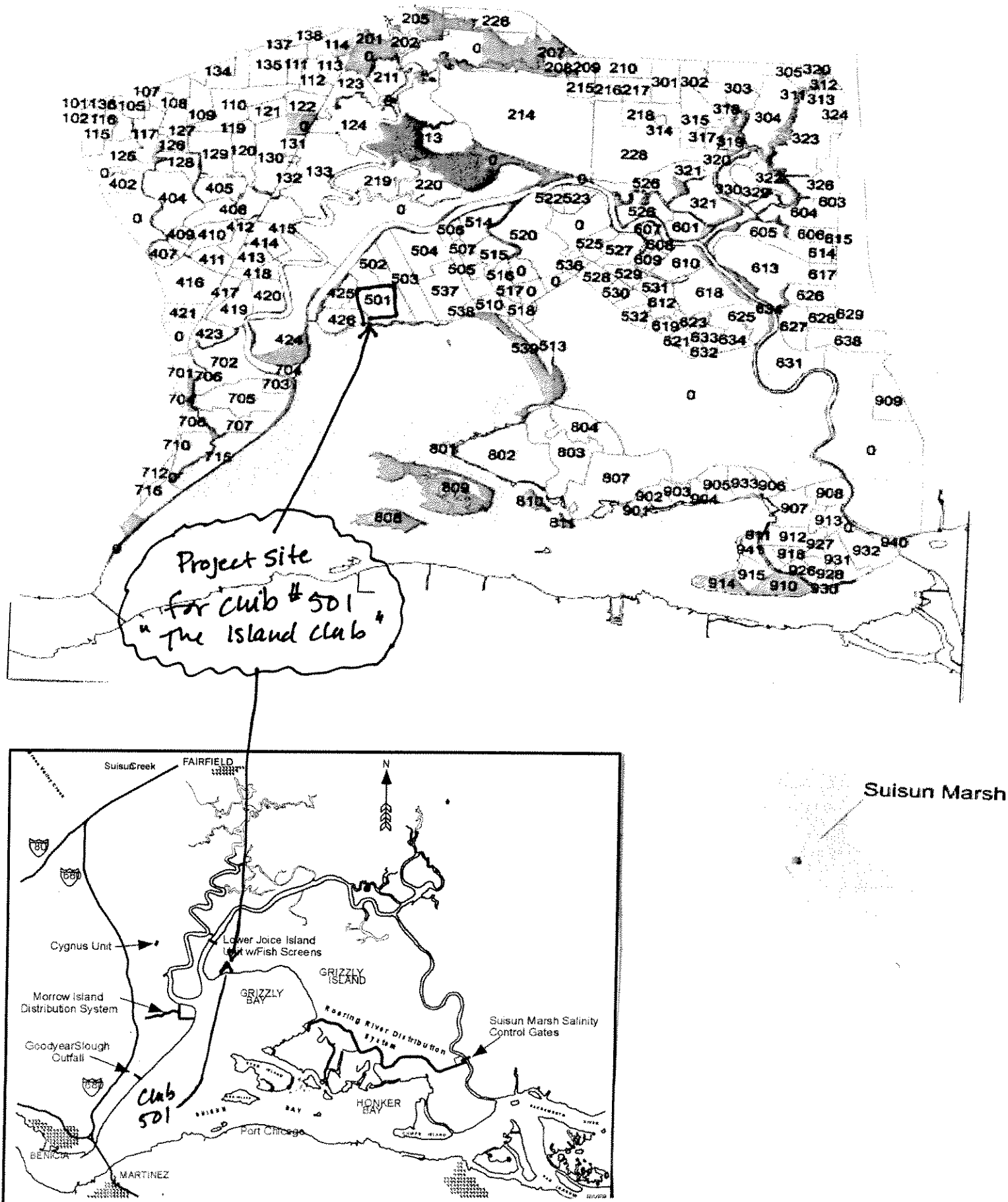


Figure 1. Location of Island Club #501 and Roaring River Distribution System on Grizzly Island, Suisun Marsh, Solano County, California.

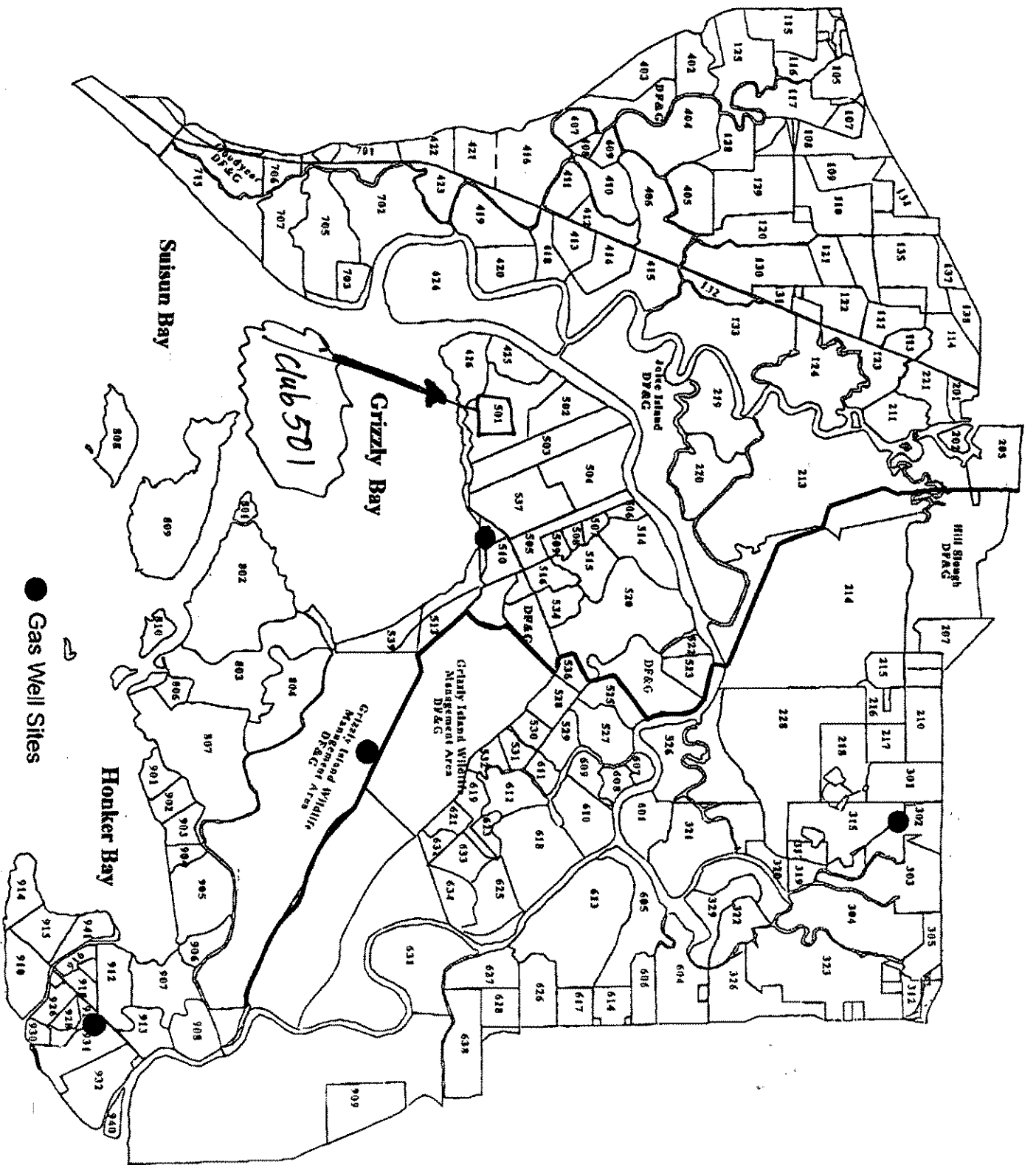
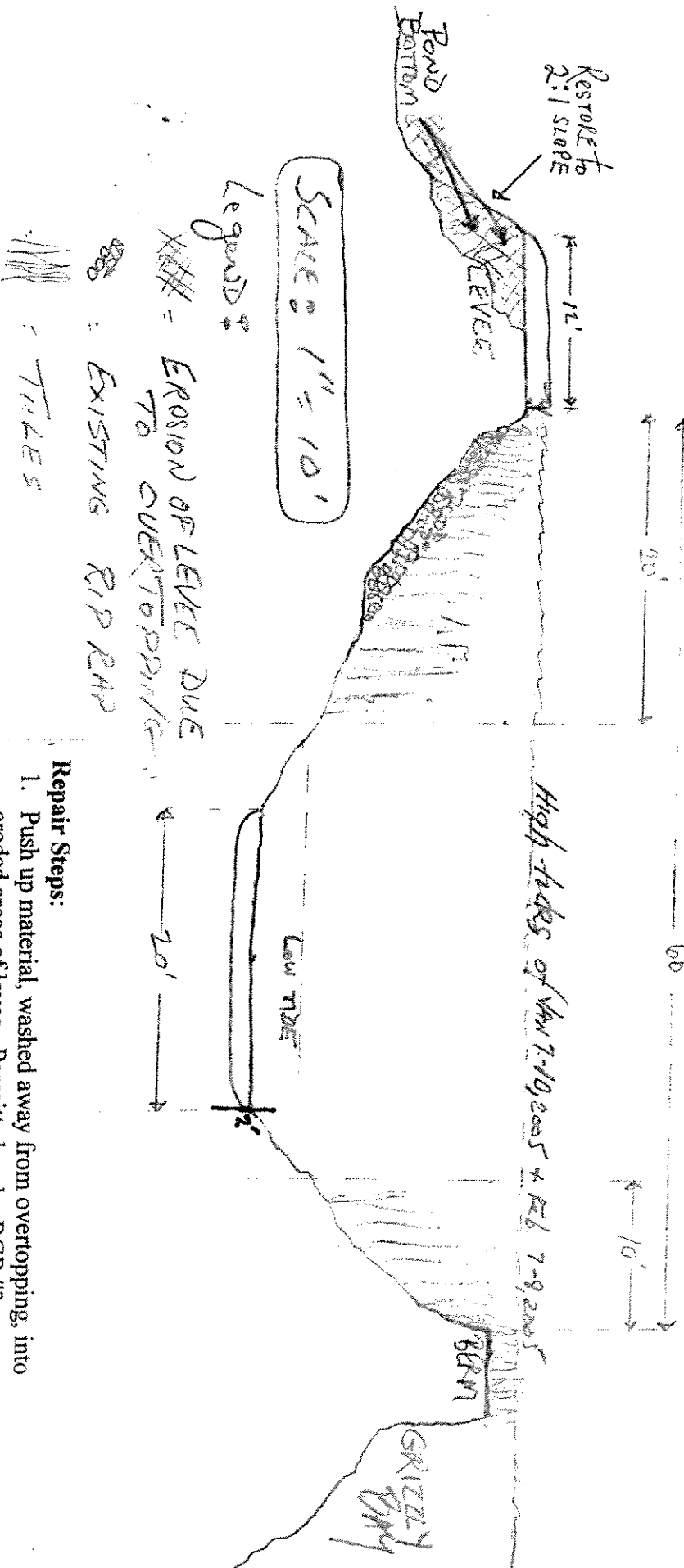


Figure 2. Location of Gas Well sites on Grizzly Island, Suisun Marsh, Solano County, California.

ISLAND CLUB - DAMAGED LEVEES (A CROSS SECTION)

EXHIBIT 3A



Repair Steps:

1. Push up material, washed away from overtopping, into eroded areas of levee. Permitted under RGP #3.
2. Place edge of *Marfic* material in 2' wide channel.
3. With equipment, excavate material from center of existing dredger cut channel (void of emergent vegetation) (approx. depth not to exceed 24" and 20' wide) and place on crown of existing levee raising it by 12" to 24".
4. Fold *Marfic* over top of levee and fasten down

Figure 4. Cross section of Island Club #501 levee repair project.